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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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RICKY EUGENE ROSS,

Plaintiff,

*versus*KENT DICKERSON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:12-CV-275

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ricky Eugene Ross, a former prisoner, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Kent Dickerson, Rick Thaler, Richard D. Alford, Brad Livingston, Nurse Owens, Christy J. Broussard, Aaron J. Thompkins, Monica M. Goodman, Brenda L. Grogan, Marilyn H. Harmon, Vivian L. Davis, Debra Harrell, Darren B. Wallace, James E. Barefield, and Alex D. Mayfield.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting defendants' motion to dismiss defendants Rick Thaler, Brad Livingston, and Alex Mayfield from this action. The magistrate judge recommends granting defendants' motion to dismiss plaintiff's CPAP claims against defendants Thompkins, Grogan, Wallace, Harmon, Goodman, and Davis. The magistrate judge also recommends dismissing the claims against defendants Broussard, Thompkins, Goodman, Grogan, Harmon, Davis, and Wallace in their official capacities. Finally, the magistrate judge recommends denying the motion to dismiss in all other respects.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

### **ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#64) is **ADOPTED**. Defendants' motion to dismiss (#29) is **GRANTED**, in part, and **DENIED**, in part. A partial judgment will be entered in accordance with the magistrate judge's report and recommendation.

SIGNED at Beaumont, Texas, this 30th day of March, 2015.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE